

EXHIBIT 106
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: FACEBOOK, INC. MDL No. 2843
CONSUMER PRIVACY USER Case No. 18-md-02843-VC-JSC
PROFILE LITIGATION
-----/

CONFIDENTIAL

REMOTE DEPOSITION OF JACKIE CHANG

Thursday, December 16, 2021

Job No. 4976949

Reported Remotely and Stenographically by:

JANIS JENNINGS, CSR No. 3942, CLR, CCRR

Pages 1 - 312

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8 REMOTE DEPOSITION OF JACKIE CHANG, located
9 in Hillsborough, California, taken on behalf of the
10 Plaintiffs, beginning at 9:43 a.m., on Thursday,
11 December 16, 2021, sworn remotely by Janis Jennings,
12 Certified Shorthand Reporter No. 3942, CLR, CCRR,
13 located in the City of Walnut Creek, County of
14 Contra Costa, State of California.

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21 IAN CHEN, ESQ., Facebook, Inc.

22 SHAWNA HAYNES, Videographer

23

24

25

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1 again? 11:23

2 Q. Do you know when Facebook first started 11:23

3 using APIs with its partners? 11:23

4 A. I'm not sure I understand that question. 11:23

5 Technically, I don't know. 11:23

6 Q. Do you know who came up with the various 11:23

7 APIs that Facebook has? 11:23

8 A. No. 11:23

9 Q. Are you familiar with the concept of Friend 11:23

10 Sharing on the Facebook platform? 11:23

11 A. I think I've heard of it, but I don't know 11:23

12 what it is. 11:23

13 Q. Are you aware that on the Facebook platform 11:23

14 for a period of time, when a friend downloaded an 11:24

15 app, that app could obtain access to that person's 11:24

16 friends via Friend Sharing APIs? 11:24

17 MR. FALCONER: Objection. Form. 11:24

18 Go ahead. 11:24

19 THE WITNESS: I don't remember. 11:24

20 BY MR. LOESER: 11:24

21 Q. You don't remember anything about that? 11:24

22 A. No. 11:24

23 Q. That's not something you were involved at 11:24

24 all in? 11:24

25 A. I don't remember. 11:24

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[REDACTED]

Page 101

1 [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

10 DEPOSITION REPORTER: Excuse me. There was 12:09

11 an interruption in the audio. Can you repeat your 12:09

12 question, please, Counsel. 12:09

13 BY MR. LOESER: 12:09

14 [REDACTED] [REDACTED] [REDACTED]

1

[REDACTED]

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1 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

4 A. I don't remember. 12:29

5 Q. Did you receive annual performance reviews? 12:29

6 A. In what year? 12:29

7 Q. In any year. 12:29

8 A. I received a performance review. 12:29

9 Q. And in connection with your performance 12:29
10 review, were you required to describe what you did 12:29
11 during the year that was being reviewed? 12:29

12 A. I believe so, yes. 12:29

13 Q. And in those performance reviews, were you 12:29
14 careful to make sure that you described all of the 12:29
15 important, or at least the most important things, 12:29
16 you worked on? 12:29

17 A. At that time, yes. 12:29

18 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

24 Q. Okay. Would that be generally an accurate 12:30

25 statement, though, that the tasks that you performed 12:30

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1 MR. FALCONER: Yeah. I mean, I'm not going 13:46
2 to make that commitment to you, but like I said, 13:46
3 I'll look into it. 13:46

4 BY MR. LOESER: 13:46

5 [REDACTED] 13:46
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

15 Q. Is it your practice to send email that 13:46
16 includes false information? 13:46

17 A. I -- I don't know. I don't really 13:46
18 understand that question. 13:46

19 Q. Is it your general practice when you're 13:46
20 communicating with your colleagues to send them an 13:46
21 email that contains false information? 13:46

22 A. I -- I don't know. I -- I usually don't 13:47
23 have that intention. 13:47

24 Q. And so when you wrote this email, is it fair 13:47
25 to assume that you were endeavoring to communicate 13:47

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1 accurate information? 13:47

2 MR. FALCONER: Objection. Form. 13:47

3 THE WITNESS: So, again, I don't -- like I 13:47

4 don't remember this. I don't want to assume like -- 13:47

5 yeah, I don't want to assume anything. 13:47

6 BY MR. LOESER: 13:47

7 Q. I'm not asking you if you remember this 13:47

8 email. I'm asking you if -- you sent this email; 13:47

9 right? 13:47

10 A. That's what it says. 13:47

11 Q. And it was your general practice when 13:47

12 sending email to communicate accurate information; 13:47

13 right? 13:47

14 A. Yes. 13:47

15 Q. And it was not your general practice to 13:47

16 communicate information that you knew to be false; 13:47

17 right? 13:47

18 A. Again, I feel like that's -- I don't know. 13:47

19 Like I don't know what the information is, so my 13:47

20 intent generally is not -- I don't know the 13:47

21 information itself. 13:48

22 Q. Right. I'm not asking you if the 13:48

23 information is or isn't false. I'm asking you if it 13:48

24 is your intent to generally communicate accurate 13:48

25 information in your -- 13:48

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1 A. It is my intent to, yes, provide 13:48
2 information. 13:48

3 Q. And you testified you couldn't recall most 13:48
4 of what we talked about with regard to this email. 13:48

5 Is there something else that you can think 13:48
6 of that would refresh your recollection regarding 13:48
7 the events discussed in this email? 13:48

8 A. Not that I know of. 13:48

9 Q. And so would you agree that this email is 13:48
10 the best evidence, that you're aware of, of what you 13:48
11 knew and were thinking at the time regarding these 13:48
12 topics? 13:48

13 MR. FALCONER: Objection. Form and 13:48
14 foundation. 13:48

15 THE WITNESS: So, again, I can't make that 13:48
16 assumption. 13:48

17 BY MR. LOESER: 13:48

18 Q. You can't make the assumption that this 13:48
19 email is the best evidence of what you were thinking 13:48
20 at the time you wrote the email? 13:48

21 A. Correct. I don't know. 13:49

22 Q. But you can't remember -- you can't identify 13:49
23 anything else that would be a more accurate 13:49
24 reflection of what you were thinking at the time you 13:49
25 wrote this email? 13:49

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1 A. Correct. I don't -- I don't know, so I 13:49
2 don't know what the expanse is. 13:49

3 Q. Is it fair to say that if this email doesn't 13:49
4 refresh your recollection of the events at the time, 13:49
5 you're not aware of anything else that would? 13:49

6 A. I don't -- I don't know. 13:49

7 Q. You don't know if there is any other 13:49
8 evidence that would refresh your recollection? 13:49

9 A. That question would assume I would know, 13:49
10 which I don't know. 13:49

11 Q. But I'm asking you, do you know of any other 13:49
12 evidence that would refresh your recollection? 13:49

13 A. I don't know. 13:49

14 Q. You don't know if there is any other 13:49
15 evidence that would refresh your recollection? 13:49

16 A. Again, I don't know what I don't know, so I 13:49
17 can't make that assumption that I would know. 13:49

18 Q. And if there were something else that might 13:50
19 refresh your recollection, what might that be? 13:50

20 MR. FALCONER: Objection. Asked and 13:50
21 answered. Lack of foundation. 13:50

22 BY MR. LOESER: 13:50

23 Q. You didn't -- there's not like a recorded 13:50
24 transcripts of communications that you had, as far 13:50
25 as you know, is there? 13:50

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1 A. I don't -- to my knowledge, I don't think 13:50
2 so. 13:50

3 Q. Is it fair to say that if someone wanted to 13:50
4 figure out what you were thinking about these topics 13:50
5 at the time of this email, this email would be a 13:50
6 good guide for what you were thinking? 13:50

7 MR. FALCONER: Objection. Form and 13:50
8 foundation. 13:50

9 THE WITNESS: Again, I can't speculate on 13:50
10 that. 13:50

11 BY MR. LOESER: 13:50

12 Q. I'm not asking you to speculate on anything. 13:50
13 I'm just asking you if you think this email would be 13:50
14 a good guide of what you were thinking about the 13:50
15 topics discussed in the email -- 13:50

16 A. Well, that would require me to speculate. 13:51

17 Q. What would it require you to speculate at? 13:51

18 A. You're asking me if I know if this is the 13:51
19 best, which would assume I know what everything is 13:51
20 and I don't know what everything is, so I don't 13:51
21 know. So I can't make that assumption. 13:51

22 Q. Let me be specific. Would you agree that 13:51
23 this email is a good guide of what you were thinking 13:51
24 about the topics discussed in the email at the time 13:51
25 you sent the email? 13:51

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1 MR. FALCONER: Objection. Form. Foundation 13:51
2 and asked and answered. 13:51

3 THE WITNESS: Again, when you say "good," I 13:51
4 don't know where I could like -- where I could say I 13:51
5 know what a definition of good means. 13:51

6 BY MR. LOESER: 13:51

7 Q. I will try one more time. Would you agree 13:51
8 that the email that you wrote is evidence of what 13:51
9 you were thinking about the subjects discussed in 13:51
10 your email at the time you sent the email? 13:52

11 MR. FALCONER: Objection. Excuse me. 13:52
12 Objection. Form. 13:52

13 THE WITNESS: Again, I don't remember. I 13:52
14 know the email is there, so I don't want to 13:52
15 speculate what I was thinking because I don't know. 13:52

16 BY MR. LOESER: 13:52

17 Q. Do you ever go back and read your old emails 13:52
18 to try and understand what you were thinking at some 13:52
19 earlier time? 13:52

20 A. Generally, no. I have a lot of emails. 13:52

21 Q. Have you ever done that? 13:52

22 A. Have I ever looked at an email? 13:52

23 Q. Have you ever gone back and looked at an 13:52
24 email you wrote earlier to refresh your recollection 13:52
25 about what you were thinking at the time on a 13:52

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1 [REDACTED]

19 MR. LOESER: We can go to the next exhibit. 14:31

20 (Exhibit 13 marked for identification.) 14:32

21 BY MR. LOESER: 14:32

22 Q. This will be Exhibit 13, which is an 14:32

23 email from Simon Cross to you and others, dated 14:32

24 [REDACTED] [REDACTED]

[REDACTED]

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1 [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

6 SPECIAL MASTER GARRIE: Sorry. When we get 14:36

7 to a breaking point -- any idea when that may be? 14:36

8 MR. FALCONER: I was thinking after the 14:36

9 next -- after we are done with this document. 14:36

10 MR. LOESER: That's fine. 14:36

11 SPECIAL MASTER GARRIE: And then I would 14:36

12 like all the lawyers to be moved into another room. 14:36

13 Thank you. 14:36

14 BY MR. LOESER: 14:36

15 [REDACTED] [REDACTED] [REDACTED]

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1

[REDACTED]

19 MR. LOESER: This is a fine time to take a 14:38

20 break, as Special Master Garrie has requested. 14:38

21 THE VIDEOGRAPHER: Okay. This marks the end 14:39

22 of media No. 3 in the deposition of Jackie Chang. 14:39

23 Going off the record. The time is 2:39. 14:39

24 (Off the record.) 14:39

25 THE VIDEOGRAPHER: This marks the beginning 15:04

The image consists of a grid of black bars with yellow outlines. The bars are arranged in rows and columns. Each bar has a yellow border and a black interior. The length of each bar varies, indicating different values or states across the grid. The grid is composed of approximately 20 rows and 10 columns. The bars are positioned such that they overlap slightly, creating a dense pattern. The overall appearance is that of a binary matrix or a series of binary strings represented by the lengths of the bars.

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1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]			[REDACTED]
	[REDACTED]	[REDACTED]		[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19	Q.	Who would know that?		16:25
20	A.	I don't -- I don't know.		16:25
21	Q.	Okay. You have no idea?		16:25
22	A.	Not for an individual person, no.		16:25
23	Q.	And so in your work now with academic		16:25
24		partnerships, if you wanted to figure out if an		16:25
25		academic partner had continued access to friends		16:25

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1 know if it could be classified as whitelist. 16:28

2 Q. The term "whitelist" is not one you have 16:28

3 used so frequently that you remember to this day 16:28

4 what it means? 16:28

5 A. No. 16:28

6 Q. Do you have any idea of the process that's 16:28

7 used to determine if an app developer or partner is 16:28

8 whitelisted so that they have continued access to 16:28

9 friends permissions? 16:28

10 A. Yeah. I don't recall it. 16:28

11 Q. Do you know if Facebook keeps records of 16:28

12 whitelisted developers/partners? 16:28

13 A. I don't know. 16:28

14 Q. You have no recollection at all as to 16:28

15 whether that information is collected and maintained 16:29

16 in one place so that someone could easily find out 16:29

17 who are all of the whitelisted partners or 16:29

18 developers? 16:29

19 A. So again -- 16:29

20 MR. FALCONER: Asked and answered. 16:29

21 THE WITNESS: -- that's outside my scope, so 16:29

22 I don't know. 16:29

23 BY MR. LOESER: 16:29

24 [REDACTED]

[REDACTED]

[REDACTED]

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1 [REDACTED] [REDACTED]

3 BY MR. LOESER:

16:34

4 Q. Did you have any interaction with a partner 16:35
5 in a discussion of the information -- the 16:35
6 permissions the partner was interested in, where 16:35
7 they said to you, Hey, we want to arrange so that we 16:35
8 have permission to access friends_video? 16:35

9 A. I don't remember specifically like 16:35
10 individual permissions. 16:35

11 Q. Okay. Do you remember any conversations at 16:35
12 all about friends permissions with any partner? 16:35

13 A. I don't remember specifically anything about 16:35
14 friends permission. 16:35

15 Q. Do you remember anything generally about 16:35
16 friends permissions? And particularly, I'm asking 16:35
17 if any partner that you have worked with raised that 16:35
18 as a permission that they were interested in gaining 16:35
19 access to. 16:35

20 A. I don't -- I don't -- I don't recall. 16:35

21 MR. LOESER: Okay. We can go to Exhibit 21. 16:36
22 (Exhibit 20 marked for identification.) 16:36

23 MR. LOESER: Oh, is it 20? Yeah. 16:36

24 While that's being loaded, for the record, 16:36
25 this is an email from Simon Cross to, among others, 16:36

1 [REDACTED] [REDACTED]

2 A. I don't recall it specifically. 16:38

3 Q. Do you recall it at all? 16:38

4 A. No, I don't. 16:38

5 Q. And can you tell me what "app-based GKS" 16:38

6 are? 16:38

7 A. I don't know. 16:38

8 Q. You have no recollection whatsoever? 16:38

9 A. No. Again, I'm not -- I'm not the technical 16:38

10 person, so I just don't -- I don't know technically 16:38

11 what it would mean. 16:38

12 Q. Okay. Do you know what the Capabilities 16:38

13 tool was? 16:38

14 A. Not specifically. I've heard of it, but I 16:38

15 don't know it in detail. 16:39

16 Q. Well, what have you heard about it? 16:39

17 A. It looks like some sort of permissioning 16:39

18 tool. 16:39

19 Q. And what does that mean? 16:39

20 A. It grants permissions. 16:39

21 Q. Who does it grant permissions to? 16:39

22 A. So, again, I don't -- I don't know the 16:39

23 technical specifics, so I don't feel comfortable 16:39

24 talking about it in depth because I might 16:39

25 mischaracterize it. 16:39

1 Q. Okay. You've said all that you feel 16:39
2 comfortable saying about it? 16:39

3 A. Well, like all that I know about it. 16:39

4

ANSWER The answer is **100**.

 [REDACTED]

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ANSWER The answer is (A). The first two digits of the number 1234567890 are 12.

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ANSWER The answer is (A). The first two digits of the number 1234567890 are 12.

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ANSWER The answer is (A). The first two terms of the sequence are 1 and 2. The third term is 1 + 2 = 3. The fourth term is 2 + 3 = 5. The fifth term is 3 + 5 = 8. The sixth term is 5 + 8 = 13. The seventh term is 8 + 13 = 21.

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ANSWER The answer is (A). The first two digits of the number 1234567890 are 12.

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25 Q. Did you have any involvement at any point in 17:03

1 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]



